

HOUSE BILL 1277

By Lynn

AN ACT to amend Tennessee Code Annotated, Section 9-16-101; Title 54, Chapter 4, Part 13; Section 54-4-203(a); Section 54-4-203(b); Section 54-4-103(a)(1); Section 57-5-205(1); Section 57-3-306(d); Section 67-3-906(b)(3); Section 67-3-908(a)(2)(B); Section 67-6-103(a)(3)(A); Title 67, Chapter 6, Part 13; Section 67-9-102(a)(1)(A); Section 67-9-102(a)(1)(D) and Section 67-3-905(a)(2)(B), relative to the determinations of population for disbursement of funds, number of special censuses, and the state planning commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 9-16-101, is amended by deleting the language "two (2) special censuses" and by substituting instead the language "three (3) special censuses".

SECTION 2. Tennessee Code Annotated, Section 54-4-103(a)(1), is amended by deleting the language ", as of the most recent federal census or by special census pursuant to § 9-16-101," in the first sentence and by substituting instead the following:

, as of the most recent decennial census, annual census estimates or five (5) year average census figures as reported by the United States department of commerce, bureau of the census or its federal functional equivalent, for use in this section the effective date of the decennial census, census estimate and five (5) year average census shall be the first day of the month next following the date on which the bureau of the census releases the figures, or any special census undertaken by the county pursuant to § 9-16-101 with the commissioner utilizing the decennial census or special census figure until the county requests the commissioner to utilize one of the other population figures for distribution of funds under this section; and, provided further, that the aggregate population of

all counties used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested,

SECTION 3. Tennessee Code Annotated, Section 54-4-203(a), is amended by deleting the language "state planning office" and by substituting instead the language "department of economic and community development".

SECTION 4. Tennessee Code Annotated, Section 54-4-203(a), is amended by adding the following language at the end of the subsection:

The federal census as denoted above shall be the most recent decennial census as reported by the United States department of commerce, bureau of the census or its federal functional equivalent. In addition to the decennial census, annexation censuses and special censuses, a municipality may utilize, for the purposes of this section, the United States department of commerce, bureau of the census's annual census estimates or its five (5) year average census as reported by the bureau of the census, for use in this section the effective date of the decennial census, census estimate and five (5) year average census shall be the first day of the month following the date on which the bureau of the census releases the figures. The commissioner shall utilize the decennial census, including any annexation census, or special census figure until the municipality requests the commissioner to utilize one of the other population figures for the distribution of funds under this section; and provided further, that the aggregate population of all municipalities used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested.

SECTION 5. Tennessee Code Annotated, 54-4-203(b), is amended by deleting the language "state planning office" wherever it appears and by substituting instead the language "department of economic and community development".

SECTION 6. Tennessee Code Annotated, 57-3-306(d), is amended by deleting the subsection in its entirety and substituting the following language:

(d) For purposes of allocating tax proceeds under this section, county population shall be reported by utilizing the most recent decennial census, annual census or five (5) year average census figures as reported by the United States department of commerce, Bureau of the Census or its federal functional equivalent, for use in this section the effective date of the decennial census, census estimate and five (5) year average census shall be the first day of the month next following the date on which the bureau of the census releases the figures, or any special census undertaken by the county pursuant to § 9-16-101. The commissioner shall utilize the decennial census or special census figure until the county requests the commissioner to utilize one of the other population figures for distribution of funds under this section; and, provided further, that the aggregate population of all counties used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested.

SECTION 7. Tennessee Code Annotated, Section 57-5-205(1), is amended by adding the following language after the first sentence of the subsection:

For the purposes of this section, municipal population may be determined by utilizing the decennial census, annual census estimates or the five (5) year average census as reported by the United States department of commerce, bureau of the census or its federal functional equivalent or any special census or annexation census conducted by the municipality pursuant to §6-51-115. For use in this section, the effective date of the decennial census, census estimate and five (5) year average census shall be the first day of the month following the date on which the bureau of the census releases the figures. The commissioner shall utilize the decennial census, including any annexation census, or special

census figure in calculating the distribution this state privilege tax until such a time as the municipality requests the commissioner to utilize one of the other population figures for the distribution of funds under this section; and, provided further, that the aggregate population of all municipalities used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested.

SECTION 8. Tennessee Code Annotated, Section 57-5-205(1), is further amended by deleting the language "two (2) special censuses" and by substituting instead the language "three (3) special censuses".

SECTION 9. Tennessee Code Annotated, Section 57-5-205(1), is further amended by deleting the language "state planning commission" wherever it appears and by substituting instead the language "department of economic and community development".

SECTION 10. Tennessee Code Annotated, Section 67-3-905(a)(2)(B), is amended by adding the following language after the word "population":

with such population being determined by utilizing the most recent decennial census, annual census estimates or five (5) year average census figures as reported by the United States department of commerce, bureau of the census or its federal functional equivalent, for use in this section the effective date of the decennial census, census estimate and five (5) year average census shall be the first day of the month next following the date on which the bureau of the census releases the figures, or any special census undertake, by the county pursuant to § 9-16-101 with the commissioner utilizing the decennial census or special census figure until the county requests the commissioner to utilize one of the other population figures for the distribution of funds under this section; and, provided further, that the aggregate population of all counties used as a base of

calculating such distribution shall be adjusted in accordance with the population figures so requested

SECTION 11. Tennessee Code Annotated, Section 67-3-906(b)(3), is amended by adding the following language after the language "county population":

with such population being determined by utilizing the most recent decennial census, annual census estimates or five (5) year average census figures as reported by the United States department of commerce, bureau of the census or its federal functional equivalent, for use in this section the effective date of the decennial census, census estimate and five (5) year average census shall be the first day of the month next following the date on which the bureau of the census releases the figures, or any special census undertake by the county pursuant to § 9-16-101 with the commissioner utilizing the decennial census or special census figure until the county requests the commissioner to utilize one of the other population figures for the distribution of funds under this section; and, provided further, that the aggregate population of all counties used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested

SECTION 12. Tennessee Code Annotated, Section 67-3-906(b)(3), is further amended by adding the following language after the language "city population":

with such population being determined by utilizing the most recent decennial census, annual census estimates or five (5) year average census figures as reported by the United States department of commerce, bureau of the census or its federal functional equivalent, for use in this section the effective date of the decennial census, census estimate and five (5) year average census shall be the first day of the month next following the date on which the bureau of the census

releases the figures, or any special census conducted by the city utilizing the special census provision of § 54-4-203(b) or including any population annexed by the city pursuant to § 6-51-115 with the commissioner utilizing the decennial census, including any annexation census, or special census figure until the city requests the commissioner to utilize one of the other population figures for distribution of funds under this section; and, provided further, that the aggregate population of all cities used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested

SECTION 13. Tennessee Code Annotated, Section 67-3-908(a)(2)(B), is amended by adding the following language after the word "population":

with such population being determined by utilizing the most recent decennial census, annual census estimates or five (5) year average census figures as reported by the United States department of commerce, bureau of the census or its federal functional equivalent, for use in this section the effective date of the decennial census, census estimate and five (5) year average census shall be the first day of the month next following the date on which the bureau of the census releases the figures, or any special census undertake by the county pursuant to § 9-16-101 with the commissioner utilizing the decennial census or special census figure until the county requests the commissioner to utilize one of the other population figures for the distribution of funds under this section; and, provided further, that the aggregate population of all counties used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested

SECTION 14. Tennessee Code Annotated, Section 67-6-103(a)(3)(A), is amended by adding the following language after the first sentence:

For the purposes of this section the latest federal census shall mean the decennial census, annual census estimates, or the five (5) year average census as reported by the United States department of commerce, bureau of the census or its federal functional equivalent with the effective date of the decennial census, census estimate and five (5) year average census being the first day of the month following the date on which the bureau of the census releases the figures. For the purposes of this section other censuses authorized by law shall mean special censuses conducted by the city utilizing the special census provision of § 54-4-203(b) and the census of any population annexed into the city pursuant to § 6-51-115. The commissioner shall utilize the decennial census, including any annexation census, or special census for the distribution of these funds until a municipality notifies the commissioner that it requests the utilization of the annual census estimates or the five year average census; and, provided further, that the aggregate population of all municipalities used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested.

SECTION 15. Tennessee Code Annotated, Section 67-9-102(a)(1)(A), is amended by adding the following after the language "state population":

with the state population determined by utilizing the latest decennial census and the county population determined by utilizing the latest decennial census or a special census undertaken by the county pursuant to § 9-16-101. A county may request the comptroller of the treasury to determine the county's population by utilizing the annual census estimates or the five (5) year average census as reported by the United States department of commerce, bureau of the census or its federal functional equivalent with the effective date of the census estimate and

five (5) year average census being the first day of the month following the date on which the bureau of the census releases the figures; and provided further, that the aggregate population of the state and counties used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested

SECTION 16. Tennessee Code Annotated, Section 67-9-102(a)(1)(D), is amended by adding the following language after the word "Tennessee":

with the municipal populations determined by utilizing the latest decennial census including any population annexed into the municipality pursuant to § 6-51-115 or a special census conducted utilizing the provision of § 54-4-203(b), but a municipality may request the comptroller of the treasury to determine the municipality's population by utilizing the annual census estimates or the five (5) year average census as reported by the United States department of commerce, bureau of the census or its federal functional equivalent with the effective date of the census estimate and five (5) year average census being the first day of the month following the date on which the bureau of the census releases the figures; and provided further, that the aggregate population of all municipalities used as a base of calculating such distribution shall be adjusted in accordance with the population figures so requested

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.